

**LATHAM & WATKINS LLP**

Andrew B. Clubok (*pro hac vice*)  
*andrew.clubok@lw.com*  
555 Eleventh Street NW, Suite 1000  
Washington, D.C. 20004  
Telephone: 202.637.2200

Michele D. Johnson (SBN 198298)  
*michele.johnson@lw.com*  
650 Town Center Drive, 20th Floor  
Costa Mesa, CA 92626  
Telephone: 714.540.1235

Melanie M. Blunschi (SBN 234264)  
*melanie.blunschi@lw.com*  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111-6538  
Telephone: 415.395.5942

*Attorneys for Defendant Meta Platforms, Inc.*  
*(formerly known as Facebook, Inc.)*

**GIBSON, DUNN & CRUTCHER LLP**

Christopher Chorba (SBN 216692)  
*cchorba@gibsondunn.com*  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7396

Elizabeth K. McCloskey (SBN 268184)  
*EMcCloskey@gibsondunn.com*  
Abigail A. Barrera (SBN 301746)  
*ABarrera@gibsondunn.com*  
One Embarcadero Center, Suite 2600  
San Francisco, CA 94111-3715  
Telephone: 415.393.8200

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ERICA FRASCO, et al.,

Plaintiffs,

v.

FLO HEALTH, INC., GOOGLE, LLC,  
FACEBOOK, INC., and FLURRY, INC.,

Defendants.

CASE NO. 3:21-cv-00757-JD (consolidated)

**NOTICE OF META'S FILING OF  
PROPOSED ORDER AND STATEMENT  
RE: LETTER FROM MICHAEL P. CANTY  
RE: META'S ENHANCEMENT OF THE  
FLO DATA**

1 On December 4, 2025, the Court held a hearing on the motion for preliminary approval of  
2 settlements between Plaintiffs and Defendants Google, LLC and Flo Health, Inc. At that hearing, the  
3 Court ordered A.B. Data to share data it received from Flo with Meta so Meta could try to enrich that  
4 data. Dec. 4, 2025 Hr'g. Tr. at 13:15-19.

5 Plaintiffs represented to the Court that they did not need “anything more specific” than the  
6 Court’s statement at the hearing ordering A.B. Data to share the data with Meta, but Meta requested a  
7 written order and the Court granted Meta’s request. *Id.* at 16:1-16; Dkt. 811 (directing the parties to  
8 “submit a proposed order for the Court’s consideration”).

9 Plaintiffs’ counsel’s letter is unequivocally false. On December 5, the day after the hearing,  
10 Meta sent counsel for Plaintiffs and Flo a simple, one-page proposed order directing A.B. Data to  
11 share Flo’s data with Meta and proposed filing it that day. But counsel for Plaintiffs and Flo  
12 requested additional time to review the draft. On December 9, counsel for Flo sent an entirely new  
13 proposed order containing numerous detailed technical requirements that it sought to impose on  
14 Meta, without regard to their feasibility. And on December 12, Plaintiffs piled on with numerous  
15 additional technical requirements, and sought unnecessarily detailed information regarding Meta’s  
16 process for attempting to identify and match Flo’s data to Meta’s data, in a five-page proposed order.  
17 As Meta has repeatedly sought to explain, both Flo’s and Plaintiffs’ proposals include provisions that  
18 are unduly burdensome or are not technically feasible (let alone reasonable or proportional).

19 Meta conferred with counsel for Plaintiffs and Flo on December 9, December 10, and  
20 December 16, and has been actively engaging with their proposals in an attempt to reach agreement  
21 on reasonable, proportional, and technically feasible provisions. Counsel for Meta also conferred  
22 with its client to ensure that it had the technical ability to fulfill several of the requests from Plaintiffs  
23 and Flo. To that end, Meta sent a revised proposal to counsel for Plaintiffs and Flo on December 22,  
24 which reflected compromises on several issues, streamlined the proposal by incorporating provisions  
25 from the Protective Order in this case (Dkt. 112) to avoid reinventing the wheel, and modified certain  
26 provisions so the process would be technically feasible and account for how Meta’s systems actually  
27 work.  
28

Meta offered to confer further with counsel for Plaintiffs and Flo, and remains available to do so. Nevertheless, and despite Plaintiffs' prior statement to the Court that they didn't need *any* written order beyond the Court's statements at the hearing, Plaintiffs unilaterally filed their Proposed Order without further notice and without responding to Meta's offer to confer further.

Therefore, Meta respectfully submits the attached Proposed Order Regarding Class Information, attached hereto as **Exhibit 1**. This Proposed Order is already reflective of significant compromise between the parties. Meta maintains that the parties are not at an impasse on this agreement and that Plaintiffs prematurely involved the Court in this matter unnecessarily.

Meta requests the Court enter its version of the Proposed Order, or order the parties to confer in good faith and submit a joint order.

Dated: December 23, 2025

*/s/ Christopher Chorba*

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*cchorba@gibsondunn.com*  
 333 South Grand Avenue  
 Los Angeles, CA 90071-3197  
 Telephone: 213.229.7396

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Telephone: 415.395.5942

*Counsel for Defendant Meta Platforms, Inc.*